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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,102	03/16/2000	Yasuo Asakura	00CL-22 (3KH-00S0117)	2194

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STRAUB & POKOTYLO
620 TINTON AVENUE
BLDG. B, 2ND FLOOR
TINTON FALLS, NJ 07724

EXAMINER

TILLERY, RASHAWN N

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/527,102

Applicant(s)

ASAKURA, YASUO

Examiner

Rashawn N Tillery

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 and 32 is/are rejected.
- 7) ☒ Claim(s) 31 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed March 15, 2004 have been fully considered but they are not persuasive.

According to figure 3 of Applicant's present invention, a standby mode is entered if it is determined that a release button has not been half-pressed. In the standby mode it is determined whether or not a plurality of sensors detect approach or contact of a user's hand. If the approach of a user's hand is detected by all of the sensors while in standby mode, preliminary processing commences.

Applicant's claim language does not clearly reflect the invention as it is described in the specification with reference to figure 3. Thus, a broad interpretation of Fellegara could be read on Applicant's claim language.

Regarding claims 1, 9, 10 and 20, Applicant is claiming that two conditions (detection of approach or contact of user's hand and "setting" of a standby mode) must be met before preliminary processing can begin. Similarly, Fellegara teaches a film/digital camera with a power saving mode capable of performing preliminary processing once a "power on event" (such as actuation of a shutter button, opening of a lens cover and closing of a film cartridge door) is detected. Fellegara does not require the camera to be in a standby mode and, must also half-press the shutter release button, before preliminary processing can begin.

In the present invention, with regard to figure 3, the step of releasing the switch half-way can be skipped if stand-by is on and all sensors operate.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 32 recites the limitation "a first one of the detectors" and "a second one of the detectors" in lines 2 and 3 of claim 32, respectively. There is insufficient antecedent basis for this limitation in the claim. Claim 7 claims only a singular detector.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 8-15, 17 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Fellegara et al (US6441854).

Regarding claims 1, 9, 10 and 20, Fellegara discloses an electronic still camera comprising:

a plurality of detectors which are provided respectively at different positions, each of which detectors being adapted to detect contact or approach of a hand to make an image pickup operation (see col. 9, line 30; the examiner notes that Fellegara detects the user's contact to the shutter button, removal of the lens cover and opening/closing of the film cartridge door; and thus the "plurality of detectors" are the actuation of the shutter button, the removal of the lens cover and the opening/closing of the film cartridge door; the examiner acknowledges the differences in the prior art and Applicant's invention as it is described in the specification; however, Applicant's claim language is currently written broadly enough where a broad interpretation of the prior art reference could be read on it; examiner further notes that Applicant's claim language is written in the alternative; and thus the examiner elected to omit the "approach of a hand" limitation);

a mode setup unit which sets up a standby mode in which to an image pickup device can commence an image pickup operation immediately in response to a release instruction, wherein the standby mode can be entered even if a shutter release switch is not pressed; (see col. 10, lines 37-58; Fellegara enters a power down mode only if no action is taken in a predetermined time frame; Fellegara exits the power down mode if the shutter release button is pressed); and

an image pickup controller which controls the camera to perform a preliminary operation for image pickup if both the standby mode is set by the mode setup unit and all of the plurality of detectors detect the contact or approach of a hand (see col. 11, lines 43-60; the examiner notes that even though Fellegara describes only one

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condition- shutter release- for initiating pre-exposure operations, it is inherent that the other conditions- opening of the lens cover and closing of the cartridge door- be met as well).

Regarding claim 2, Fellegara discloses mode holding means using a non-volatile memory, which holds a setup state of the standby mode set by the mode setup unit even during a power-off period (see col. 10, lines 53-58).

Regarding claim 3, Fellegara discloses a mode release unit which releases the standby mode when the standby mode is set by the mode setup unit and a period in which at least one of the plurality of detectors does not detect the contact or approach of a hand reaches a predetermined time (see the Abstract).

Regarding claim 4, Fellegara discloses an operation controller which renders a part of the plurality of detectors operational, when the standby mode is set by the mode setup unit and a period in which at least one of the plurality of detectors does not detect the contact or approach of a hand reaches a predetermined time (the examiner notes that in Fellegara's standby mode, if the lens cover is off and the film cartridge door is closed, the shutter button could be interpreted as "a part of the plurality of detectors operational").

Regarding claim 5, Fellegara discloses that the plurality of detectors are provided at least at a grip part (the examiner notes that the lens cover is a "grip part" of the camera) and proximal to a release button part of a camera body (see col. 9, line 30).

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Regarding claim 8, Fellegara discloses, in figure 1, the preliminary operation includes at least electric conducting to an image pickup device (10; the examiner notes that Applicant does not specifically claim that the power is for driving the CCD).

Regarding claim 11, Fellegara discloses the preliminary operation is executed if all the plurality of detectors detect the contact or approach of a hand (the examiner notes that even though Fellegara describes only one condition- shutter release- for initiating pre-exposure operations, it is inherent that the other conditions- opening of the lens cover and closing of the cartridge door- be met as well).

Regarding claim 12, the examiner notes that a "part" of the plurality of detectors could also be "another part" of the plurality of detectors since Applicant does not distinguish one detector from a second or third. Applicant is therefor advised to replace the language "a part of the plurality" and "another part of the plurality" with language in the order of "one of a plurality" and "a second of the plurality" respectively.

Regarding claim 13, see claim 5 above.

Regarding claim 14, see claim 2 above.

Regarding claim 15, see claim 4 above.

Regarding claim 17, Fellegara inherently discloses the preliminary operation includes electric conducting to the image pickup device since the device is turned on and power is conducted through out the elements of the device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 6, 16, 25, 26, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fellegara et al.

Regarding claims 6 and 16, Fellegara discloses the preliminary operation includes at least automatic exposure and automatic focus adjustment (see col. 11, line 43). Fellegara does not expressly disclose automatic white balance adjustment. Official Notice is taken that it is well known in the camera art to perform white balance adjustment during pre-processing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include white balance adjustment in the pre-processing operation so that a more adequate picture could be attained.

Regarding claims 25, 26, 29 and 30, Fellegara teaches detecting the user's contact to the shutter button, removal of the lens cover and opening/closing of the film cartridge door. Fellegara does not expressly disclose the type of detector used. Official Notice is taken that it is well known in the art to utilize photodetectors and similar touch sensors for detecting the approach or contact of a user. It would have been obvious to one of ordinary skill in the art to implement such teachings since Fellegara does not explicitly disclose the type of detector used.

2. Claims 7, 18, 19, 21-24, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fellegara et al in view of Mese et al (US5396443).

Regarding claims 7 and 18, Fellegara discloses an electronic camera comprising:
a detector which is provided near a release button and adapted to detect contact of a hand to the release button to make an image pickup operation (see col. 9, line 30; the examiner notes that Fellegara detects the user's contact to the shutter button, removal of the lens cover and opening/closing of the film cartridge door; the examiner further notes that each of Fellegara's detectors are located "near" the shutter release button);

a main power switch (inherent feature) which switches on and off a power source of the camera; and

an image pickup controller which executes a preliminary operation for image pickup so that an image pickup operation can occur immediately in response to a release instruction if both the power switch is set on and the detector detects the contact of a hand (see col. 11, lines 43-60; Fellegara initiates a pre-exposure operation if power switch is on and if the shutter release button is pressed half-way).

Fellegara does not expressly disclose detecting an approach of a hand. Mese teaches an information processing device that has a power saving state for when it is not in use and can be made active upon approach of a user (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made for Fellegara to implement Mese's teachings. One would have been motivated to do so in effort to conserve power while the device is not in use and also allow the device to be

immediately active at the user's command by detecting the approach of a hand while in a power down state.

Regarding claim 19, Fellegara inherently discloses the preliminary operation includes electric conducting to the image pickup device since the device is turned on and power is conducted through out the elements of the device.

Regarding claims 21-24, Fellegara teaches detecting the user's contact to the shutter button, removal of the lens cover and opening/closing of the film cartridge door. Fellegara does not expressly disclose detecting an approach of a hand. Mese teaches an information processing device that has a power saving state for when it is not in use and can be made active upon approach of a user (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made for Fellegara to implement Mese's teachings. One would have been motivated to do so in effort to conserve power while the device is not in use and also allow the device to be immediately active at the user's command by detecting the approach of a hand while in a power down state.

Regarding claims 27 and 28, Fellegara teaches detecting the user's contact to the shutter button, removal of the lens cover and opening/closing of the film cartridge door. Fellegara does not expressly disclose the type of detector used. Official Notice is taken that it is well known in the art to utilize photodetectors and similar touch sensors for detecting the approach or contact of a user. It would have been obvious to one of ordinary skill in the art to implement such teachings since Fellegara does not explicitly disclose the type of detector used.

Allowable Subject Matter

1. Claim 32 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

2. Claims 31 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 31 and 33, the prior art does not teach or fairly suggest an electronic camera comprising a plurality of detectors, a mode setup unit and an image pickup controller, wherein

a first one of the detectors is rendered operational while a second one of the detectors is rendered non-operational until contact or approach of a hand is sensed by the first one of the detectors, at which time the second one of the detectors is rendered operational.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Picard and Miyawaki et al both teach pyroelectric sensors for detecting contact of a finger.

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

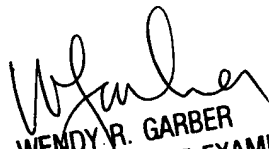
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashawn N Tillery whose telephone number is 703-305-0627. The examiner can normally be reached on 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RNT


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600